

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

20 cr 473 (VM) (SN) (RA)

5 ABUBACKR DANSO,

6 Defendant.

Conference

7 -----x  
8 New York, N.Y.  
9 January 5, 2021  
4:05 p.m.

10 Before:

11 HON. SARAH NETBURN and RONNIE ABRAMS,

12 District Judges

13 APPEARANCES

14 AUDREY STRAUSS

15 Acting United States Attorney for the  
Southern District of New York

16 BY: ANDREW ROHRBACH  
Assistant United States Attorney

17 RICHARD PALMA

18 Attorney for Defendant

19 Also Present:

20 Rena Bolin, U.S. Pretrial Services

21 **Dayshawn Bostic**, U.S. Pretrial Services

1 (Case called)

2 JUDGE ABRAMS: This is Judge Abrams. We have  
3 Judge Netburn on the line, as well as our pretrial services  
4 officers.

5 Could you turn your camera on so we can see you.

6 THE DEFENDANT: Sure. No problem. Just give me a  
7 second.

8 (Case called)

9 JUDGE NETBURN: Can I have counsel for the government  
10 state his appearance.

11 MR. ROHRBACH: Good afternoon, your Honor. This is  
12 Andrew Rohrbach on behalf of the defendant.

13 JUDGE NETBURN: Thank you.

14 And on behalf of the defense?

15 MR. PALMER: Attorney Richard Palma.

16 JUDGE NETBURN: Thank you.

17 Mr. Danso, can you see me?

18 THE DEFENDANT: Yes. I can see you.

19 JUDGE NETBURN: My name is Judge Netburn. I am here  
20 with Judge Abrams. I hope everybody on the call is healthy and  
21 safe. In light of the pandemic, we are conducting this  
22 proceeding remotely by video conference. And the defendant is  
23 appearing by video. I can see and hear him, and he can hear  
24 and see me.

25 We're authorized to hold this conference by video

1 under Section 15002 of the CARES Act and the standing orders of  
2 our court. Our chief district judge has specifically found  
3 that in-person proceedings cannot be held without seriously  
4 jeopardizing the health and safety of all participants.

5 Mr. Danso, we're here to conditionally approve your  
6 participation in the Young Adult Opportunity Program. But  
7 before we formalize that participation, we wanted to make sure  
8 that you understand exactly what that would entail.

9 So I'm going to ask you some questions. If you have  
10 any questions for us, please ask them. Or if you need any time  
11 to speak with your lawyer, please say so. Okay?

12 THE DEFENDANT: All right.

13 JUDGE NETBURN: This will be a formal proceeding.  
14 Then we'll have an opportunity to speak informally off the  
15 record after this proceeding. Okay?

16 THE DEFENDANT: All right. No problem.

17 JUDGE NETBURN: As I'm sure you've discussed with your  
18 lawyer, the idea behind this program is for you to receive  
19 intensive pretrial supervision, which we, myself and  
20 Judge Abrams, hope will help you make better choices in the  
21 future.

22 If you're successful in the program, it may result in  
23 you receiving a shorter sentence or possibly a reduction or  
24 deferral or even a dismissal of those charges.

25 But the first thing you need to understand is that we

1 can't guarantee any of those things are going to happen, even  
2 if you are successful. There are no promises that any of those  
3 results will happen.

4 Do you understand that?

5 THE DEFENDANT: Yes. I understand.

6 JUDGE NETBURN: You should also understand that by  
7 participating in this program, we're going to expect things  
8 from you. We're going to expect that you comply with all of  
9 the conditions of your release, including participating in all  
10 of our meetings.

11 And we will likely impose other requirements for you.  
12 We may require that you continue your education, continue your  
13 employment, remain drug free. And we can talk about what those  
14 other goals and requirements will be for you.

15 But the important thing right now is for you to  
16 understand that your participation in this program means that  
17 your supervision will be longer than it otherwise would be. It  
18 will be at least --

19 THE DEFENDANT: One second.

20 (Pause)

21 JUDGE ABRAMS: If there is somewhere quiet that you  
22 could sit, Mr. Danso, during this proceeding, somewhere  
23 private.

24 JUDGE NETBURN: I was explaining to you that your  
25 supervision will likely be longer than it otherwise would be.

1 It will be at least 12 months. And we're going to have real  
2 expectations for you. There's going to be more involvement  
3 from the judges, and we're going to expect that you are  
4 continuing to grow and progress.

5 Do you understand all of that?

6 THE DEFENDANT: Yes. I understand.

7 JUDGE NETBURN: In addition to meeting with Ms. Bolin  
8 from pretrial services, you're also going to meet with us and  
9 all of the participants in the program on a monthly basis.  
10 Those meetings happen on the first Tuesday of the month, which  
11 means you're going to participate in the meeting today.

12 At those meetings, you need to make sure that you're  
13 in a place where you can focus on the meetings, where you can  
14 be heard and you can listen to the participants. That's really  
15 important at these meetings.

16 THE DEFENDANT: All right.

17 JUDGE NETBURN: We're going to expect you to be honest  
18 and forthcoming at those meetings and participate with your  
19 peers. But you should understand that everything that we learn  
20 about you during the participation in the program we could use  
21 as part of our sentencing determination, should we get to that  
22 point.

23 Do you understand that?

24 THE DEFENDANT: Yes. I understand.

25 JUDGE NETBURN: Okay. That said, you'll always retain

1 your right to remain silent if an answer to any question may  
2 incriminate you. And you can also always ask for your lawyer  
3 to be present at the meeting. Generally speaking, defense  
4 lawyers are not at every meeting, but you can certainly invite  
5 him to join if you'd like.

6 Do you understand all of that?

7 THE DEFENDANT: Yes. I understand.

8 JUDGE NETBURN: Do you understand that your  
9 participation in this program is voluntary, meaning that you do  
10 not have to participate?

11 THE DEFENDANT: Yes. I understand.

12 JUDGE NETBURN: And do you understand that if you  
13 participate in this program, your case is going to be  
14 transferred to Judge Abrams for all purposes, including  
15 sentencing? And that means that even if you were unsuccessful  
16 in the program, the case will remain with Judge Abrams.

17 Do you understand all of that?

18 THE DEFENDANT: Yes. I understand.

19 JUDGE NETBURN: Have you discussed with your attorney  
20 your decision to participate in this program?

21 THE DEFENDANT: Yeah. We spoke about it.

22 JUDGE NETBURN: And I know you've signed the consent  
23 form.

24 Did you have an opportunity to discuss it before you  
25 signed that form?

1 THE DEFENDANT: Yes. I discussed it with my lawyer.

2 JUDGE NETBURN: And based on everything that's written  
3 in that consent form and everything I've said to you here  
4 today, do you still want to participate in this program?

5 THE DEFENDANT: Yes. So you said it's every Tuesday  
6 at the beginning of the month for 12 months?

7 JUDGE NETBURN: It's the first Tuesday of every month.  
8 So today is the first Tuesday of the month. Your participation  
9 will last at least 12 months, meaning that's the minimum.

10 Many people end up participating for longer either  
11 because maybe they've had some difficulties or struggles along  
12 the way and they need some additional time to correct for  
13 those.

14 THE DEFENDANT: Yes.

15 JUDGE NETBURN: Or because they have goals that they  
16 want to achieve and they haven't achieved them yet. So they  
17 decide it's in their best interests to stay in the program in  
18 order to achieve those goals. So you should understand that it  
19 will be at least at a minimum of 12 months.

20 THE DEFENDANT: All right. I understand.

21 JUDGE NETBURN: Does the government wish to be heard?

22 MR. ROHRBACH: No, your Honor. Thank you.

23 JUDGE NETBURN: Mr. Palma, do you wish to be heard?

24 MR. PALMER: No. Thank you.

25 JUDGE NETBURN: So, Mr. Danso, we're going to accept

1 you into the program. We believe in you. We're looking  
2 forward to getting to know you further.

3 I think at this point, I'm going to suggest that we go  
4 off the record.

5 Judge Abrams, do you want to say anything before we go  
6 off the record?

7 JUDGE ABRAMS: No. I look forward to getting to know  
8 you better.

9 JUDGE NETBURN: I think we can go off the record. So  
10 thank you to the court reporter. You are excused. Thank you  
11 very much.

12 (Adjourned)  
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